

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hilary Hudson	Team: Team # 3	CCRB Case #: 200704307	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 03/24/2007 1:20 AM	Location of Incident: § 87(2)(b) 44th Precinct stationhouse	Precinct: 44	18 Mo. SOL 9/24/2008	EO SOL 9/24/2008	
Date/Time CV Reported Sat, 03/24/2007 1:40 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/28/2007 12:26 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. LT Patrick Cortright	00000	910420	044 PCT
3. LT Richard Duggan	00000	915648	044 PCT
4. POM Edward Cantaloupe	06069	929822	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Javier Fernandez	22644	941017	044 PCT
2. POM John Livingston	08401	936962	044 PCT
3. POM Alberto Puente	07747	939253	044 PCT
4. POM Wesley Fradera	14378	941018	044 PCT
5. POM Robert Navarro	07958	937169	044 PCT
6. CPT Emilio Melendez	00000	898059	044 PCT
7. SGT Michael Gaudio	01601	925337	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Discourtesy: An officer spoke obscenely to § 87(2)(b) in the vicinity of § 87(2)(b) in the Bronx.	§ 87(2)(b)
B. An officer	Force: An officer struck § 87(2)(b) with a nightstick in the vicinity of § 87(2)(b) in the Bronx.	§ 87(2)(b)
C. An officer	Force: An officer used physical force against § 87(2)(b) in the vicinity of § 87(2)(b) in the Bronx.	§ 87(2)(b)
D.LT Patrick Cortright	Discourtesy: Lt. Patrick Cortright spoke obscenely to § 87(2)(b) in the vicinity of § 87(2)(b) in the Bronx.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
E. An officer	Force: An officer used physical force against § 87(2)(b) in the vicinity of § 87(2)(b) in the Bronx.	
F. An officer	Discourtesy: An officer spoke obscenely to § 87(2)(b) in the vicinity of § 87(2)(b) in the Bronx.	
G. An officer	Discourtesy: An officer spoke obscenely to § 87(2)(b) at the 44th Precinct stationhouse.	
H.LT Richard Duggan	Force: Lt. Richard Duggan used physical force against § 87(2)(b) at the 44th Precinct stationhouse.	
I.POM Edward Cantaloupe	Force: PO Edward Cantaloupe used physical force against § 87(2)(b) at the 44th Precinct stationhouse.	

Synopsis

On March 24, 2007, § 87(2)(b) filed this complaint via telephone with IAB (Enclosure 8a-b). IAB referred the complaint to the CCRB on March 28, 2007, under Log #07-11513 (Enclosure 9a-c). § 87(2)(b) filed complaint 200709753 about this incident via telephone with the CCRB on July 10, 2007. § 87(2)(b) IAB referred Log #07-11538 to the CCRB on March 29, 2007, on behalf of § 87(2)(b) § 87(2)(g)

On March 24, 2007, at 1:20 AM, PO Javier Fernandez and PO Wesley Fradera were conducting a vertical patrol inside of § 87(2)(b) in the Bronx. PO Robert Navarro, Lt. Patrick Cortright, and Capt. Emilio Melendez were also at the location during this incident. § 87(2)(b) alleged that when the door of the elevator she was on opened up on the third floor of § 87(2)(b) in the Bronx, an officer told her to “get the fuck off of the elevator” [Allegation A]. § 87(2)(b) alleged that an officer struck § 87(2)(b) whose last name is unknown, with a baton inside of the building [Allegation B]. She then alleged that an officer either kicked her in the left leg or pushed her, causing her to fall down the stairs [Allegation C]. § 87(2)(b) § 87(2)(b) alleged that while he was in front of § 87(2)(b) Lt. Cortright told him to “shut the fuck up” [Allegation D]. § 87(2)(b) then alleged that an officer threw § 87(2)(b) against a wall in front of the building [Allegation E]. § 87(2)(b) alleged that she asked an officer where § 87(2)(b) was, but he told her that “it was none of her fucking business” [Allegation F].

§ 87(2)(b) and a male named § 87(2)(b) were taken to the 44th Precinct stationhouse. § 87(2)(b) alleged that while he was in the 44th Precinct holding cells, an officer told him, “You like talking shit” [Allegation G]. § 87(2)(b) then alleged that Lt. Richard Duggan and PO Edward Cantaloupe used force against him in the holding cells, causing him to sustain a cut over his right eye [Allegations H and I]. § 87(2)(b) was taken via ambulance to § 87(2)(b) where he was diagnosed with a laceration. § 87(2)(b) was released from the precinct with a summons for disorderly conduct but § 87(2)(b) and § 87(2)(b) were processed as arrests. § 87(2)(b) was charged with § 87(2)(b) and § 87(2)(b) was charged with § 87(2)(b) and was found to have an open warrant. § 87(2)(b) went to § 87(2)(b) via ambulance later on § 87(2)(b), and was diagnosed with a fractured left ankle.

§ 87(2)(g)

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b)

§ 87(2)(b) filed this complaint via telephone with IAB on March 24, 2007. She provided a brief phone statement on April 4, 2007, and was interviewed at the CCRB on April 9, 2008 (Enclosures 40c and 12a-e).

She is a § 87(2)(b) black female, 5'9", 170 lbs., with black hair and brown eyes. She denied being intoxicated at the time of the incident.

On March 24, 2007, at approximately 1:20 AM, § 87(2)(b) heard some arguing taking place between the third and fourth floor of her apartment building, § 87(2)(b) in the Bronx. § 87(2)(b) exited her § 87(2)(b) to see if she could find her daughter, § 87(2)(b) who had left earlier that evening, and to find out what was happening on the third and fourth floors. § 87(2)(b) proceeded to walk from the fourth floor to the third floor and as she was doing so, three officers were going onto the third floor.

§ 87(2)(b) continued to walk down the stairs and was speaking with § 87(2)(b) whose last name § 87(2)(b) was unable to provide. The investigation determined that § 87(2)(b)'s last name is § 87(2)(b). § 87(2)(b) informed § 87(2)(b) that an officer pushed § 87(2)(b) down the stairs. When § 87(2)(b) reached the building lobby, she saw ten additional officers. While in the lobby, § 87(2)(b)'s son-in-law, § 87(2)(b), entered the building. § 87(2)(b) was identified through the investigation as § 87(2)(b). § 87(2)(b) informed the officers in the lobby that he was just going to see if § 87(2)(b) who he identified as his sister-in-law, was okay because he heard that she had been pushed down some stairs. The officers told § 87(2)(b) to leave and he repeated the reason why he was there. § 87(2)(b) then saw four uniformed male officers pushing § 87(2)(b)'s head against the wall four times. The officers also punched and kicked him in the back approximately two times. Two of the officers interacting with § 87(2)(b) were white, one was black, and § 87(2)(b) could not recall what ethnicity the other officer was. § 87(2)(b) told the officers that all he wanted to know was what was happening and the officers told him to "shut the fuck up" and that it was "none of [his] fucking business." She did not make this allegation when she filed her complaint on March 24, 2007, or during her phone statement on April 4, 2007. § 87(2)(b) never became physically aggressive with the officers.

§ 87(2)(b) was taken outside and placed inside of a marked patrol vehicle. § 87(2)(b) did not see § 87(2)(b) and asked a white male officer who was 5'4", in his mid 30s, with blond hair, if he had seen her daughter. The officer told § 87(2)(b) to go back upstairs. § 87(2)(b) later asked an unknown uniformed officer where her daughter was and he told § 87(2)(b) "that it was none of her fucking business." She could not provide further details about that officer. She did not make this allegation when she filed her complaint on March 24, 2007, or during her phone statement on April 4, 2007. When she initially filed the complaint, § 87(2)(b) described one of the officers on scene as a short Asian male with pale skin.

§ 87(2)(b) exited the building to see if § 87(2)(b) was outside. § 87(2)(b) saw § 87(2)(b) "hopping" up the block. § 87(2)(b) informed § 87(2)(b) that a short white male officer with blond hair pushed her down the stairs. § 87(2)(b) then approached the officer in order to get the officer's badge number; however, the officer's badge was not facing § 87(2)(g) and she did not ask for his name or shield number. § 87(2)(b) asked an unidentified friend to call an ambulance but it never arrived, so § 87(2)(b) took § 87(2)(b) to the hospital the following day.

§ 87(2)(b)

When § 87(2)(b) filed the complaint with IAB on March 24, 2007, at 1:40 AM, § 87(2)(b) spoke to the IAB investigating officer. She was interviewed by IAB at 9:00 AM on March 24, 2007 (Enclosure 36aa-b). § 87(2)(b) filed § 87(2)(b), § 87(2)(g) this incident via telephone with the CCRB on July 10, 2007. § 87(2)(g) § 87(2)(b) was interviewed at the CCRB on April 9, 2008 (Enclosure 11a-e). § 87(2)(g). She is a § 87(2)(b) black female, 6'0", 160 lbs., with black hair and brown eyes.

At approximately 12:45 AM, on March 24, 2007, § 87(2)(b) returned to § 87(2)(b) in the Bronx with § 87(2)(b) her boyfriend, and § 87(2)(b) the boyfriend of § 87(2)(b)'s sister. § 87(2)(b) had been at her grandmother's house. § 87(2)(b) and § 87(2)(b) remained in front of § 87(2)(b) while § 87(2)(b) finished smoking her cigarette. They did not have any bottles in their possession. After § 87(2)(b) finished her cigarette, they all entered the building and got on the

elevator to take it to the sixth floor. The elevator stopped on the third floor and when the doors opened, there were three uniformed white male officers with black hair standing to the left of the elevator. One officer was 6'0", the second was 5'9", and the third was 5'2". The shortest officer told § 87(2)(b) and § 87(2)(b) to "get the fuck off of the elevator." She did not make this discourtesy allegation when she filed her complaint on July 10, 2007. § 87(2)(b) asked the officer for his name and he said his name was "Fernando."

They exited the elevator and none of the officers said anything to them. § 87(2)(b) saw that there was a party taking place on the third floor, but § 87(2)(b) and § 87(2)(b) were never at the party. With § 87(2)(b) and § 87(2)(b) following her from behind, § 87(2)(b) proceeded to walk to the left and was about to walk up the stairs in order to get to her apartment. Before § 87(2)(b) started up the stairs, a male named § 87(2)(b) walked up the stairs from the second floor. The shortest of the three male officers entered the stairwell, took out his baton, and struck § 87(2)(b) somewhere on his body. § 87(2)(b) was unable to provide contact information or a last name for § 87(2)(b) and said he ran away before he could be arrested or summonsed. The officer kicked § 87(2)(b) in her left leg on the inside of her left ankle, which caused her to fall down one flight of stairs, from the third to the second floor. When she was interviewed by IAB on March 24, 2007, she said that a 5'6" white male officer pushed her on the stairs inside of the building. When she filed her complaint with the CCRB on July 10, 2007, she stated that a uniformed white male officer, 5'0", 120 lbs., pushed her and caused her to fall down the stairs. When § 87(2)(b) spoke to the IAB investigating officer on March 24, 2007, at 1:40 AM, she stated that an unidentified male who had a bottle in his hand was chased by an officer who tripped him and caused him to fall. The bottle hit her in the hand and caused her to sustain a cut to her right hand. She never made these allegations in her subsequent statements.

§ 87(2)(b) was carried by an unknown person or people from the second floor to the lobby. § 87(2)(b) believed that someone went upstairs to her apartment to tell § 87(2)(b) what happened. § 87(2)(b) called for an ambulance, but it never arrived. However, when she made her complaint on July 10, 2007, she said the ambulance arrived and she was taken to a hospital.

§ 87(2)(b) and § 87(2)(b) were thrown against the wall. She stated, only when she filed a complaint on July 10, 2007, that an officer hit § 87(2)(b)'s head against the back of a police car. § 87(2)(b) was uncertain of which officers did these things. There were approximately fifteen officers on the scene, most of whom were white males, and there was one black male. § 87(2)(b) and § 87(2)(b) were handcuffed and placed in a vehicle, but they were later released at the scene. All of the officers departed from the scene.

§ 87(2)(b) went to § 87(2)(b) § 87(2)(b). Her ambulance call report indicates that she told EMTs she was pushed down the stairs and twisted her left ankle as she fell. She told medical professionals at the § 87(2)(b) that she was pushed and fell, and also that she was kicked by a police officer, and the kick was a direct blow. During her consultation with the § 87(2)(b) orthopedist, § 87(2)(b) said that she sustained her injury as a result of being pushed downstairs by a police officer. § 87(2)(b) stated that her ankle was broken and she had to get a plate and a screw inside of her ankle.

§ 87(2)(b)

After missing his first scheduled interview on July 10, 2008, § 87(2)(b) was interviewed at the CCRB on June 25, 2009 (Enclosure 13a-f). He is a § 87(2)(b) black male, 5'8", 150 lbs., with black hair and brown eyes.

On March 24, 2007, at approximately 1:20 AM, § 87(2)(b) was inside of § 87(2)(b) in the Bronx. His child's mother resides in the building and he had been at a party in an apartment on the 3rd floor for about thirty minutes. § 87(2)(b) estimated that there were ten to eleven people at the party. § 87(2)(b) estimated that he had a cup of vodka to drink and was not sober, but was not intoxicated at that time. He was not under the influence of illegal or prescription drugs.

§ 87(2)(b) was outside smoking a cigarette in the 3rd floor hallway with § 87(2)(b) (the sister of his child's mother, § 87(2)(b), § 87(2)(b) his step-brother/brother-in-law § 87(2)(b), § 87(2)(b)'s child's mother's sister's baby's father), and § 87(2)(b)'s male cousin whose name § 87(2)(b) did not know. § 87(2)(b) and § 87(2)(b)'s cousin left to go to the store. § 87(2)(b) remained in the hallway smoking his cigarette. After two to four minutes, § 87(2)(b) heard § 87(2)(b) yelling, "Why are y'all locking him up?"

§ 87(2)(b) and his child's God-mother, § 87(2)(b) went downstairs to the lobby and saw § 87(2)(b) was in handcuffs. § 87(2)(b) saw more than five uniformed officers in the lobby. He also stated that there were three or four officers there. He could not describe the officers, was not sure exactly how many officers were there, and would not be able to identify them in a photo array. § 87(2)(b) asked what was going on but some of the officers told him and § 87(2)(b) to step away and mind their own business.

As § 87(2)(b) and § 87(2)(b) were going back into the building (he did not indicate at what point they had left the building), officers approached them and asked them, "Where you going?" These officers had arrived as back-up and were in a marked van and a marked police car. The officers instructed § 87(2)(b) and § 87(2)(b) to stand against the wall and not to move. PO1, a white male officer who was possibly taller than 5'8", handcuffed § 87(2)(b). § 87(2)(b) could not describe the officer in additional detail.

When asked if he complied with the officers' instructions, § 87(2)(b) said that he asked the officers why they were being arrested if they had just been told to leave. § 87(2)(b) was yelling about the same things § 87(2)(b) was asking the officers about. PO2, a white male in a navy blue uniform with a blue shirt, told him to shut up and pulled out a yellow taser. § 87(2)(b) alleged much later in the interview that PO2 said to "shut the fuck up." § 87(2)(b) was not able to describe PO2 in additional detail because he was told not to turn around, and thus did not see PO2's face. § 87(2)(b) was facing the wall and saw, when he turned his head around, that PO2 had a yellow taser in his hand. PO2 did not aim the taser at him but took the taser out to calm the situation down. § 87(2)(b) was unable to describe any of the officers on scene in further detail, except that he recalled an officer there in a white-shirted uniform. § 87(2)(b) was unable to describe that officer's gender.

§ 87(2)(b) and § 87(2)(b) were transported to the 44th Precinct stationhouse in a van. § 87(2)(b) was admittedly "talking shit" at the precinct, for the entire time he was in the cells. He described "talking shit" as asking the officers what was going on and why he was there. He also said, "Fuck you," and was very irate. Officers would periodically come by and tell him to shut up. After an unknown period of time, § 87(2)(b) realized he was in the holding cells all by himself because, he assumed, the officers removed the other prisoners from the cell one-by-one and that he did not notice them doing it. He believed the other prisoners were moved to another holding cell.

Two or three white male officers in plainclothes who were taller than 5'8" called him over to the cell bars, and § 87(2)(b) complied. § 87(2)(b) was unable to describe the officers in additional detail because he was not sober, and would not be able to identify the officers in a photo array. The investigation determined that two of the officers were Lt. Richard Duggan and PO Edward Cantaloupe. § 87(2)(b) could not articulate how long he had been inside the holding cells at that point.

One of the officers unlocked the holding cell door. An officer asked him, "You like talking shit?" He was unable to specify which officer said that. Two officers entered the cell, causing § 87(2)(b) to back up in attempt to sit down on a bench inside of the cell. However, § 87(2)(b) also said that he believed the officers were removing him so he could be fingerprinted. One officer asked § 87(2)(b) where he was going. Then, the two officers grabbed § 87(2)(b)'s arms and one grabbed his legs. § 87(2)(b) jerked away and asked the officers why they were grabbing him and what they were doing. An officer told § 87(2)(b) that he § 87(2)(b) liked talking shit. He was unable to specify which officer said that. The officers threw him up against the holding cell bars. However, § 87(2)(b) also said that the officers brought him over to the bars and, with his feet off the ground, hit his face against the holding bars more than one time. He could not estimate the number of times his face was struck against the bars. He also stated that the officers only rubbed his face into the bars and the incident was "traumatizing." He believed this went on for two to five minutes.

§ 87(2)(b) said he was not harmed but also said that EMS came because there was blood leaking onto his shirt from an injury over his right eye. § 87(2)(b) now has a scar over his right eyebrow about an inch long. He refused to go to the hospital even though EMS workers told him, "You're bleeding pretty bad, buddy." His ambulance call report indicates that he told EMTs, "They hit me," and complained of being punched in the face. § 87(2)(b) also told EMTs that he did not want to leave the stationhouse until he was told everything he was being charged with. Even though he refused to go, he was taken to § 87(2)(b), where he refused treatment. § 87(2)(b) insisted that he was not charged with anything when he was arrested. He was released when he saw the judge at Bronx Central Booking. § 87(2)(b) went on his own the day after his release § 87(2)(b) to § 87(2)(b). He did not receive stitches because the doctor told him it had been too long.

Attempts to Interview/Identify Additional Witness and Victims

A letter was mailed to § 87(2)(b) on April 4, 2007, and it was not returned by the U.S. Postal Service. When § 87(2)(b) was reached via telephone on April 19, 2007, he did not make any allegation with regards to the officers at the scene. § 87(2)(b) elected not to cooperate with the complaint and stated that he was sentenced to community service.

On June 23, 2009, and July 7, 2009, letters were mailed to the address for § 87(2)(b) obtained from the 44th Precinct command log (Enclosure 33). The letters were not returned by the U.S. Postal Service. LexisNexis confirmed § 87(2)(b)'s address and provided a phone number, but it was not in service as of June 23, 2009. As of August 21, 2009, § 87(2)(b) has not responded to the letters mailed to her address.

§ 87(2)(b) was unable to provide contact information for § 87(2)(b). Neither § 87(2)(b) nor § 87(2)(b) mentioned § 87(2)(b) or made allegations on his behalf when they were interviewed at the CCRB. Without a last name, searches could not be conducted for § 87(2)(b).

Results of Investigation

Identification of Officers Interviewed

According to the SPRINT report for this incident, officers assigned to the 44th Precinct conditions vehicle responded (Enclosure 31.5). The 44th Precinct roll call indicated that PO Javier Fernandez, PO Alberto Puente, PO Wesley Fradera, and PO John Livingston were assigned to conditions (Enclosure 35a-k). PO Puente, during his CCRB interview, stated that PO Robert Navarro was also assigned to conditions (Enclosure 24a-b). PO Fernandez, PO Fradera, and PO Navarro, in their CCRB interviews, identified Capt. Emilio Melendez and Lt. Patrick Cortright as additional officers who responded to the scene (Enclosures 19a-b, 20a-c, and 22a-b). Lt. Richard Duggan and Sgt. Michael Gaudio were identified by IAB in Log #07-11538 as officers involved with § 87(2)(b)'s incident at the stationhouse (Enclosure 39).

Officers Not Interviewed

§ 87(2)(g)

Lt. Patrick Cortright

Lt. Cortright was interviewed at the CCRB on October 2, 2008 (Enclosure 15a-b). He worked from 5:15 PM on March 23, 2007, until 2:00 AM on March 24, 2007. He was the impact lieutenant and was partnered with Capt. Emilio Melendez. He was dressed in uniform and was assigned to a motor vehicle. Lt. Cortright is a § 87(2)(b)-old white male, 5'11", 210 lbs., with black hair and brown eyes. His memo book states that a female was loud, boisterous, using abusive language, and was waving her hand in an aggressive and threatening manner (Enclosure 14a-b). She stated, "I'll fuck you all up," "You better not touch me," and "I say I do whatever I want, just try to touch me motherfucker." § 87(2)(b) and the female had the odor of alcohol on their breath.

At approximately 1:20 AM on March 23, 2007, Lt. Cortright and Capt. Melendez responded to § 87(2)(b). He could not remember if they received a radio run or happened upon the incident. He was unsure if they were the first officers to respond or if any other officers were ever at the scene. Lt. Cortright did not recall how he and Capt. Melendez came into contact with § 87(2)(b) and § 87(2)(b). He remembered being in the lobby and outside of the building but he did not recall if they ever went to the third floor of the building. Lt. Cortright did not know if the building had an elevator.

§ 87(2)(b) and § 87(2)(b) smelled like alcohol. § 87(2)(b) was being loud, boisterous, and waving her hands in an aggressive and threatening manner. She also threatened the officers, which Lt. Cortright documented in his memo book. Lt. Cortright removed his taser in the presence of § 87(2)(b) and § 87(2)(b) but did not use the taser on anyone. Lt. Cortright informed § 87(2)(b) that she was going to be arrested, most likely for disorderly conduct. § 87(2)(b) and § 87(2)(b) were both arrested at the scene but he did not know what they were charged with. Lt. Cortright did not remember if he made physical contact with any civilians at the scene. He denied cursing at any civilians at the scene. He did not remember if he or any other officers struck an individual with an asp or nightstick.

Lt. Richard Duggan

Lt. Richard Duggan was interviewed at the CCRB on August 12, 2009 (Enclosure 16a-b). He worked from 11:05 PM on March 23, 2007, until 8:00 AM on March 24, 2007. He was assigned to the desk, was dressed in uniform, and was not required to keep memo book entries [apart from his beginning and end of tour entries]. Lt. Duggan is a § 87(2)(b)-old white male, 6'4", 165 lbs., with brown hair and blue eyes.

While Lt. Duggan was working at the 44th Precinct stationhouse desk, an arrested and intoxicated individual § 87(2)(b) was brought into the precinct. Lt. Duggan was only a few feet away from him but could smell alcohol on § 87(2)(b). § 87(2)(b) was also agitated and behaved like someone who was under the influence of alcohol.

The holding cells were about twenty-five to thirty feet away from Lt. Duggan's desk. When the holding cell area door is open, as it was during this incident, there is a line of sight from the holding cells to the desk. Once § 87(2)(b) was placed in the holding cell, he became disruptive and uncooperative. § 87(2)(b) was screaming and cursing. Lt. Duggan was unable to hear exactly what § 87(2)(b) was saying but believed § 87(2)(b)'s words were directed at him, since § 87(2)(b) was looking at and yelling in Lt. Duggan's direction.

From his seat at the desk, Lt. Duggan told § 87(2)(b) to calm down, relax, and maintain himself in the same way the other prisoners were. The other prisoners in the cell were trying to move away from § 87(2)(b) but § 87(2)(b) was walking around the cell and the other prisoners were unable to keep their distance from him. Because of the way § 87(2)(b) was acting, Lt. Duggan was concerned for the safety of § 87(2)(b) the other prisoners, and police officers who were in the holding cell area.

However, after telling § 87(2)(b) to calm down, § 87(2)(b)'s behavior worsened. His profanity use increased, as did the volume of his voice. After an unknown amount of time, Lt. Duggan eventually had to get up from the desk and approach the holding cells. Lt. Duggan was unaware if any other officers spoke to § 87(2)(b) regarding his behavior in the cells. Lt. Duggan told § 87(2)(b) that he would be processed once he calmed down and cooperated.

§ 87(2)(b) continued cursing and screaming, so Lt. Duggan opened and entered the holding cell. Lt. Duggan no longer recalled what § 87(2)(b) was screaming. § 87(2)(b) was standing up and did not step backwards when Lt. Duggan came in. None of the other prisoners were removed from the holding cell. Lt. Duggan told § 87(2)(b) to calm down, cooperate, and relax, and behave like the other prisoners, or else he would be handcuffed. Lt. Duggan did not tell him, "You like talking shit." He did not hear any other officers say that.

§ 87(2)(b)'s behavior continued to worsen, so in order to handcuff him, Lt. Duggan took a step towards him. § 87(2)(b) reached for and grabbed the cell door or cell bars. § 87(2)(b) would not let go of the cell door or bars and was flailing his head around and was moving his body in such a way to keep distance between himself and the officers. Lt. Duggan and PO Cantaloupe, who had entered the cell at some point after Lt. Duggan, each grabbed one of § 87(2)(b)'s arms and removed them from the cell door or bars. Lt. Duggan was on § 87(2)(b)'s left side. This took about ten seconds. § 87(2)(b) was not thrown against the bars, was not lifted off the ground and hit against the bars, and his face was not rubbed into the bars.

Lt. Duggan handcuffed § 87(2)(b) while § 87(2)(b) was standing up. Once he was handcuffed, § 87(2)(b) became cooperative and had stopped cursing and screaming. Lt. Duggan placed § 87(2)(b) on the bench inside the cell and left the cell to return to his desk duties. Lt. Duggan did not notice any injuries to § 87(2)(b) at that point.

A short time later, Sgt. Michael Gaudio approached Lt. Duggan and stated that § 87(2)(b) might have been injured. Lt. Duggan went back into the cell area and it appeared that § 87(2)(b) had a cut somewhere on his head. The cut was bleeding. § 87(2)(b) did not indicate how he sustained the injury. PO Cantaloupe was not in the area at that time. Lt. Duggan called for EMS and then made the proper notifications, including to the duty captain and IAB, because § 87(2)(b) was injured. Lt. Duggan was unaware if § 87(2)(b) refused medical attention.

PO Javier Fernandez

Arrest report (Enclosure 18a-b): § 87(2)(b) was arrested at 1:25 AM on March 24, 2007, inside of § 87(2)(b) in the Bronx. § 87(2)(b) was observed smoking a lit marijuana cigarette on the third floor staircase.

PO Fernandez was interviewed at the CCRB on September 8, 2008 (Enclosure 19a-b). He worked from 6:00 PM on March 23, 2007 until 2:00 AM on March 24, 2007. He was assigned to impact conditions and was partnered with PO Wesley Fradera. They were dressed in uniform and were assigned to a marked vehicle. PO Fernandez is a § 87(2)(b)-old Hispanic male, 5'6", 160 lbs., with a bald head and brown eyes. His memo book states that he conducted a vertical patrol at § 87(2)(b) at 1:25 AM (Enclosure 17a-c). At 1:30 AM, § 87(2)(b) was under arrest for § 87(2)(b). PO Fernandez was en route to the 44th Precinct stationhouse at 1:35 AM. He was processing arrests from 2:00 AM until 3:05 AM, when an unspecified prisoner § 87(2)(b) was uncooperative and could not be fingerprinted. § 87(2)(b) was moved to the holding cells in the back and was eventually printed at 5:00 AM. § 87(2)(b) was transported to Bronx Central Booking at 6:30 AM and returned to the 44th Precinct for lodging at 7:30 AM. PO Fernandez began processing PO Fradera's arrestee, § 87(2)(b) at 8:05 AM; however, at 9:00 AM, § 87(2)(b)'s arrest was re-assigned to PO Fernandez. § 87(2)(b) was brought in at 1:23 AM and was going to be summonsed but had an open warrant.

At approximately 1:25 AM, PO Fernandez and PO Fradera were conducting a vertical patrol in § 87(2)(b). They approached the fourth floor and saw that a party was going on and § 87(2)(b) was alone, smoking a marijuana cigarette at the opposite end of the hallway. PO Fernandez knew it was marijuana from the smell. Upon seeing officers, § 87(2)(b) ran down the opposite stairwell and the officers chased after him. The officers had not tried to speak to § 87(2)(b) before he fled. About five minutes later, they caught up to him in the building's lobby and were able to arrest him. The officers brought § 87(2)(b) to the 44th Precinct for arrest processing.

PO Fernandez did not see § 87(2)(b) exit the elevator, and thus did not say, "Get the fuck off of the elevator." No individual attempted to prohibit the officers from chasing § 87(2)(b). When § 87(2)(b) was being arrested, the only people in the lobby were him and the two officers. No crowd gathered inside or outside of the building; everyone remained upstairs. Besides § 87(2)(b) PO Fernandez had no other interaction with anyone at the party. No officers arrived on the scene until after PO Fernandez and PO Fradera had arrested § 87(2)(b). Capt. Emilio Melendez and Lt. Patrick Cortright arrived on scene after § 87(2)(b) was arrested. PO Fernandez never saw what Capt. Melendez and Lt. Cortright did but he later

heard that they went inside the building and exited with § 87(2)(b). They brought § 87(2)(b) back to the precinct in order to issue him a summons because they repeatedly told him to go back upstairs but he would not comply with their instructions.

PO Fernandez does not carry a baton, asp, or nightstick and thus never removed one at the scene. He did not see anyone else remove a baton, asp, or nightstick. PO Fernandez never threw anyone against a wall and never saw anyone get thrown against a wall. Besides § 87(2)(b), PO Fernandez did not have any physical interaction with any individual and he did not witness any physical interaction between any officers and other civilians. PO Fernandez did not hear anyone tell § 87(2)(b) or any individual words to the effect of, "Shut the fuck up, it's none of your fucking business." When shown a photo of § 87(2)(b), PO Fernandez did not recognize her and denied ever interacting with her.

PO Wesley Fradera

PO Fradera was interviewed at the CCRB on September 25, 2008 (Enclosure 21a-c). He worked from 5:30 PM on March 23, 2007, until 2:05 AM on March 24, 2007. He was assigned to conditions and was working with PO Fernandez, PO Alberto Puente, and PO John Livingston. PO Fradera was dressed in uniform and was assigned to a marked vehicle. He was the passenger. PO Fradera is a § 87(2)(b)-old Hispanic male, 5'10", 195 lbs., with black hair and brown eyes. His memo book indicates that at 1:23 AM, three people were under arrest; § 87(2)(b) for § 87(2)(b) and § 87(2)(b) and § 87(2)(b) for § 87(2)(b) (Enclosure 20a-c). § 87(2)(b) and several others began yelling and swearing and acting disorderly. At 2:15 AM, PO Fradera had an unrelated arrest at Nelson Avenue and West 165th Street. He arrived at the command at 2:30 AM, processed the arrest, transported the prisoner at 6:30 AM, and returned at 7:30 AM. PO Fradera was given the arrest of § 87(2)(b) at 7:30 AM. § 87(2)(b) was brought in for a summons but became disorderly in the cell area. When officers tried to put § 87(2)(b) into his own cell, § 87(2)(b) was injured. PO Fradera did not bring § 87(2)(b) to the stationhouse and did not put him into the cells. PO Fradera completed § 87(2)(b)'s arrest processing at 8:00 AM.

At approximately 1:20 AM on March 24, 2007, PO Fradera and PO Fernandez were conducting a vertical patrol inside of § 87(2)(b) in the Bronx. The officers ascended the stairs and stopped at an unspecified floor where a party was taking place. The elevators were located to the officer's left and the door to the party on the right. That apartment door was open. They did not see anyone in the elevator because they were not near the elevator. Neither PO Fradera nor PO Fernandez told any civilians, "Get the fuck back" or "Get out of the elevator."

When they looked down a second stairwell just under them, they observed § 87(2)(b) alone, smoking a marijuana cigarette. PO Fradera saw a brown marijuana cigarette in his hand, which was rolled in a way that indicated that it was marijuana. The officers did not have any encounters with anyone in the party before they observed § 87(2)(b). The officers were a few feet away from § 87(2)(b). When § 87(2)(b) saw the officers, he immediately ran down approximately three flights of stairs. The officers did not smell the marijuana until they passed where § 87(2)(b) was originally standing. The officers did not say anything and chased him, with the intention of arresting him. PO Fradera and PO Fernandez cornered him in the lobby and arrested him. PO Fernandez quickly apprehended § 87(2)(b) by grabbing his arms, putting him against the wall, and handcuffing him. PO Fernandez did not use any other force. PO Fradera had no physical involvement in the arrest or handcuffing of § 87(2)(b). § 87(2)(b) was not resisting while being arrested, and hence no officer ever threw § 87(2)(b) against a wall. PO Fradera remembered § 87(2)(b) telling them that he had been at the party.

Even though PO Fradera carried an asp, he never used it at the scene. He never saw any officer use an asp, kick, or punch anyone. PO Fradera was not aware of anyone being kicked on the leg or pushed and consequently falling down the stairs. He did not recall anyone having an ankle injury.

When they were taking § 87(2)(b) outside to their RMP, approximately four family members or friends ran outside of the building and started yelling, "Why are you arresting him? He wasn't doing anything." The officers instructed them to get back, but never said words to the effect of, "Shut the fuck up," "Mind your

own business,” or “It’s none of your fucking business.” Officers never used any profanity towards any individual but he heard the individuals use profanity towards them. Some of these individuals even tried to push the car.

About two to three minutes after arresting § 87(2)(b) additional officers showed up. They did not call for assistance but a police van happened to be driving by. When they arrived, PO Fradera and PO Fernandez were putting § 87(2)(b) in their vehicle. PO Fradera did not remember who was in the van but he remembered other officers from his command arriving on scene, including Lt. Cortright and Capt. Melendez. PO Fradera told Capt. Melendez what had happened and Capt. Melendez helped other officers arrest the two most combative people in the group; a black male and a black female, who were identified through the investigation as § 87(2)(b) and § 87(2)(b). § 87(2)(b) and § 87(2)(b) were given instructions to stay on the sidewalk. PO Fradera heard § 87(2)(b) and § 87(2)(b) yelling and screaming but did not recall what they were saying and did not recall if they resisted or struggled with the officers. PO Fradera did not interact with § 87(2)(b) or § 87(2)(b).

PO Fradera did not re-enter the building after arresting § 87(2)(b). Besides PO Fernandez, PO Puente, PO Livingston, Capt. Melendez, and Lt. Cortright, PO Fradera did not recall any other officers being present at the incident.

At the stationhouse, at approximately 7:30 AM, PO Fradera was assigned to § 87(2)(b)'s arrest. § 87(2)(b) was brought into the precinct by unknown officers in order to receive a summons; however, § 87(2)(b) began acting disorderly in the cell area. When the unknown officers tried to put him in his own cell, § 87(2)(b) was injured. After PO Fradera was assigned § 87(2)(b)'s arrest, he noticed that § 87(2)(b) had a cut on his forehead. § 87(2)(b) had no other visible injuries. PO Fradera did not know when or how § 87(2)(b) sustained the cut and had not seen or interacted with § 87(2)(b) at the stationhouse prior to being assigned his arrest.

PO Robert Navarro

PO Navarro was interviewed at the CCRB on February 12, 2009 (Enclosure 22a-b). He worked from 5:30 PM on March 23, 2007, until 2:00 AM on March 24, 2007. He was assigned to the impact conditions unit and was partnered with PO Fradera and PO Fernandez. He was dressed in uniform and was assigned to a marked vehicle. PO Navarro is a § 87(2)(b)-old Hispanic male, 5’4”, 190 lbs., with brown hair and brown eyes. PO Navarro did not bring his memo book to the interview.

At approximately 1:20 AM on March 24, 2007, PO Navarro, PO Fradera, and PO Fernandez responded to § 87(2)(b). PO Navarro believed there had been several noise complaints in the building. PO Fradera and PO Fernandez entered the building while PO Navarro stayed behind and guarded the vehicle.

A short time later they brought down an arrestee, identified through the investigation as § 87(2)(b) and placed § 87(2)(b) in their vehicle. PO Navarro stayed with § 87(2)(b) because people were exiting the building and inquiring as to why § 87(2)(b) was being arrested. PO Navarro did not know PO Fradera and PO Fernandez’s response. The civilians were shouting and appeared to be intoxicated. § 87(2)(b) began behaving erratically and PO Navarro told him to relax and calm down. § 87(2)(b) appeared intoxicated and PO Navarro smelled alcohol on his breath. § 87(2)(b) did not become combative and PO Navarro did not use any physical force against him.

PO Navarro thought that Capt. Melendez and Lt. Cortright were at the scene but did not recall if any other officers were there. Officers told the civilians to get back inside. He never heard an officer say words to the effect of, “Shut the fuck up” or “It’s none of your fucking business.” PO Navarro did not see an officer or officers use physical force against anyone. One or two other people may have been arrested or summonsed by an unknown officer or officers.

Capt. Emilio Melendez

Capt. Melendez was interviewed at the CCRB on October 2, 2008 (Enclosure 23a-b). He worked from 6:00 PM on March 23, 2007, until 2:00 AM on March 24, 2007. He was the impact captain at the 44th Precinct and was partnered with Lt. Cortright. He was dressed in uniform and was assigned to an unknown type of vehicle. Capt. Melendez is a § 87(2)(b)-old Hispanic male, 5'8", 190 lbs., with brown hair and brown eyes. Captains are not required to keep memo books.

On March 24, 2007, at 1:20 AM, there was a party inside of § 87(2)(b) in the Bronx, on an unknown floor. Officers brought a group of less than fifteen people outside of the building. Capt. Melendez recalled one male and several female civilians at the location. He could only remember one female in particular, as this female was very boisterous and combative with the officers. The investigation determined that this female was § 87(2)(b) § 87(2)(b) appeared to be intoxicated and was egging on Lt. Cortright to fight. She was yelling and cursing and because she continued to approach the officers, Lt. Cortright took out his taser gun. § 87(2)(b) continued to approach the officers and was subsequently arrested. He did not remember if § 87(2)(b) was ever thrown against a wall.

While Capt. Melendez was dealing with § 87(2)(b) he failed to take notice to what was happening around him. He did not recall seeing an officer strike anyone with an asp or nightstick, and denied doing so himself. He could not remember which officers were also at the scene. He did not recall anyone from the crowd approaching him and Lt. Cortright while they were dealing with § 87(2)(b) Capt. Melendez did not hear any officer using profanity during the incident. Capt. Melendez did not recall if anyone else was arrested.

Sgt. Michael Gaudio

Sgt. Gaudio was interviewed at the CCRB on August 12, 2009 (Enclosure 29a-b). He worked from 5:15 PM on March 23, 2007, until 3:12 AM on March 24, 2007. He was dressed in uniform. Sgt. Gaudio is a § 87(2)(b)-old white male, 6'0", 185 lbs., with brown hair and green eyes. He had no memo book entries regarding this incident (Enclosure 28a-b).

At 3:40 AM, Sgt. Gaudio was at the stationhouse after making an arrest at West 169th Street and Grant Highway in the Bronx. While Sgt. Gaudio was at the 44th Precinct stationhouse desk putting their prisoner's pedigree information into the command log, he heard a scuffle coming from the holding cells. The desk was about thirty feet away from the cells. Sgt. Gaudio did not see what was happening in the cells but heard a lot of noise coming from them.

Lt. Richard Duggan and PO Edward Cantaloupe went into the cell. Sgt. Gaudio never went into the holding cells to assist Lt. Duggan and PO Cantaloupe. Sgt. Gaudio did not hear anything after Lt. Duggan and PO Cantaloupe entered. He did not hear Lt. Duggan or PO Cantaloupe say, "You like talking shit."

After about thirty seconds, PO Cantaloupe exited the holding cell with the prisoner who had been making all of the noise. The prisoner was in handcuffs and Lt. Duggan was walking behind PO Cantaloupe and the prisoner. PO Cantaloupe was taking the prisoner over to another holding cell. Sgt. Gaudio saw that the prisoner was bleeding from somewhere on his head. He was unable to tell if that prisoner appeared intoxicated. The prisoner never told Sgt. Gaudio how he sustained the injury.

Sgt. Gaudio informed Lt. Duggan that the prisoner was bleeding. Sgt. Gaudio was not sure if an ambulance was called to the stationhouse. At 4:00 AM, he left the stationhouse in order to respond to a 10-85 [request for police assistance] at East 162nd Street and River Avenue.

PO John Livingston and PO Alberto Puente

PO Livingston and PO Puente were interviewed at the CCRB on September 8, 2008 and November 14, 2008, respectively (Enclosures 27a-b and 25a-b). They worked from 5:30 PM on March 23, 2007, until 2:05 AM on March 24, 2007. They were partnered together, dressed in uniform, and were assigned to impact conditions in a marked vehicle #1588. The other officers assigned to impact conditions that tour included PO Wesley Fradera and PO Robert Navarro. PO Livingston is a § 87(2)(b)-old white male, 6'2",

215 lbs., with brown hair and brown eyes. PO Puente is a § 87(2)(b)-old Hispanic male, 6'0", 190 lbs., with black hair and black eyes. They had no memo book entries pertaining to this incident (Enclosures 26a-c and 24a-b).

On March 24, 2007, at 1:20 AM, PO Puente and PO Livingston were inside of the 44th Precinct stationhouse. PO Puente assisted PO Livingston with an arrest that was made earlier that evening. PO Livingston and PO Puente did not recall responding to § 87(2)(b) on the date of the incident.

Medical Records for § 87(2)(b) (Enclosure 30a-x)

According to § 87(2)(b)'s ambulance call report, the ambulance arrived at the 44th Precinct stationhouse at § 87(2)(b). § 87(2)(b) had a 1½" laceration over his right eye. § 87(2)(b) would not allow the EMTs to treat him. The ambulance left with § 87(2)(b) and a police escort at 6:24 AM. § 87(2)(b) was triaged at § 87(2)(b) ER at § 87(2)(b). He had a laceration to his right eyebrow and alcohol on his breath. Attempts were made to physically examine § 87(2)(b) at § 87(2)(b) but he refused to be treated and refused to sign the "against medical advice" form. He was discharged at § 87(2)(b) and left with the NYPD.

Medical Records for § 87(2)(b) (Enclosure 31a-x)

According to the ambulance call report for § 87(2)(b) the ambulance arrived at § 87(2)(b) in the Bronx at § 87(2)(b). § 87(2)(b) denied any loss of consciousness, dizziness, nausea, vomiting, or shortness of breath. Her left ankle was swollen and was deformed and bruised. She was diagnosed with a dislocated ankle and a splint and cold application were applied. There is no mention of a cut to her hand. The ambulance left the scene at § 87(2)(b) and transported § 87(2)(b) to § 87(2)(b).

According to the § 87(2)(b) Emergency Nursing Record extremity trauma worksheet, § 87(2)(b) a § 87(2)(b) § 87(2)(b) was triaged at § 87(2)(b). She arrived via ambulance. She was examined at § 87(2)(b). There was tenderness, swelling, and bruising to the inside and outside area of her left ankle and lower leg. § 87(2)(b)'s left ankle range of motion was painful. Her gait was limited by pain. Her knee, thigh, hip, head, back, and neck were normal upon inspection. The clinical impression was a fractured left ankle and an X-ray revealed that her left ankle was fractured and swollen. § 87(2)(b)'s ankle was placed in a splint and she was given crutches. There is also no mention of a cut to her hand. She was prescribed Motrin and was instructed to return in three to four days. She was released home at 3:20 PM.

Police Documents

SPRINT (Enclosure 31.5)

At 1:15 AM on March 24, 2007, the 44th Precinct impact conditions officers conducted a vertical patrol inside of § 87(2)(b) in the Bronx. They arrived on scene at 1:15 AM and reported they had three individuals under arrest at 1:23 AM.

Command Log (Enclosure 33)

§ 87(2)(b) and § 87(2)(b) were logged into the 44th Precinct as arrests at 1:50 AM on March 24, 2007. § 87(2)(b) was released at an unknown time after she received summons § 87(2)(b) for § 87(2)(b). § 87(2)(b) was charged with § 87(2)(b). § 87(2)(b) was charged with § 87(2)(b) and was found to have an open warrant. § 87(2)(b) was disruptive and uncooperative within the holding cells and was taken to § 87(2)(b) at 6:15 AM. § 87(2)(b) was transported to Bronx Central Booking later that day at 2:10 PM. § 87(2)(b) was taken to Bronx Central Booking at 6:30 AM.

Property Voucher (Enclosure 32)

Property voucher § 87(2)(b) completed for § 87(2)(b) listed one marijuana cigarette vouchered as arrest evidence.

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Complainant and Victim CCRB History (Enclosures 4, 5, 6, and 7)

§ 87(2)(b) and § 87(2)(b) have no prior CCRB complaints. § 87(2)(b) has one prior CCRB complaint. § 87(2)(b) has two other CCRB complaints. § 87(2)(g)

§ 87(2)(b)

Subject Officer CCRB History (Enclosures 1a-b, 2, and 3)

Lt. Cortright, a 20-year-member of the NYPD, was the subject of one substantiated CCRB allegation. In case 200412058, the board recommended charges after Lt. Cortright improperly stopped a vehicle. The NYPD disposition was instructions. Lt. Duggan and PO Cantaloupe, 14- and 7-year-members of the NYPD, respectively, have not been the subject of any substantiated CCRB allegations.

Conclusions and Recommendations

Identification of Subject Officer

§ 87(2)(b) stated that a white male officer cursed at her, struck § 87(2)(b) with a baton, and either kicked her in the leg or pushed her. § 87(2)(b) gave varying descriptions of this officer to IAB and the CCRB. She

Assessment of Evidence

§ 87(2)(b) alleged that an officer told her, § 87(2)(b) and § 87(2)(b) to “get the fuck off of the elevator.” § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) alleged that an officer struck § 87(2)(b) with a baton while they were inside of § 87(2)(b). § 87(2)(b) was unable to provide a last name or contact information for § 87(2)(b). Neither § 87(2)(b) nor § 87(2)(b) mentioned § 87(2)(b) during their CCRB statements. However, because the CCRB was unable to contact § 87(2)(b), the CCRB did not obtain a statement from him.

§ 87(2)(b) alleged that the same officer who cursed at her then kicked her in her left leg on the inside of her left ankle, which caused her to fall down one flight of stairs, from the third to the second floor. However, when she was interviewed by IAB on March 24, 2007 and when she filed her complaint with the CCRB on July 10, 2007, she said that the officer pushed her and caused her to fall down the stairs. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) alleged that while he and § 87(2)(b) were outside in front of § 87(2)(b), Lt. Cortright told him to “shut the fuck up.” § 87(2)(b) alleged that in the lobby of § 87(2)(b), she heard two white officers and one black officer tell § 87(2)(b) to “shut the fuck up” and that it was “none of [his] fucking business.” § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) alleged that an officer, or possibly officers, threw § 87(2)(b) against a wall in front of § 87(2)(b). § 87(2)(b) did not respond to letters that were mailed to her address on June 23, 2009, and July 7, 2009, and her telephone number was disconnected as of June 23, 2009. Because the CCRB was unable to contact § 87(2)(b), the CCRB did not obtain a statement from her.

§ 87(2)(b) alleged that while she was outside of § 87(2)(b), she asked an unknown uniformed officer where her daughter, § 87(2)(b), was and he told § 87(2)(b) “that it was none of her fucking business.” However, § 87(2)(b) never made this allegation prior to her formal CCRB statement, even though she filed the complaint on March 24, 2007, and provided a telephone statement to the CCRB on April 4, 2007. PO Fernandez, PO Fradera, PO Navarro, Lt. Cortright, and Capt. Melendez denied cursing or hearing an officer curse at the scene. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) alleged that while he was in the holding cells at the 44th Precinct stationhouse, two to three white male officers in plainclothes, who were taller than 5’8”, came up to the holding cells. One of the officers allegedly told § 87(2)(b) “You like talking shit.” § 87(2)(g)

§ 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) then alleged that the officers [Lt. Duggan and PO Cantaloupe] threw him up against the holding cell bars. However, § 87(2)(b) also said that the officers brought him over to the gate and, with his feet off the ground, hit his face against the holding bars more than one time. § 87(2)(b) also alleged that the officers rubbed his face into the bars. He claimed this lasted for two to five minutes and he sustained a cut over his right eye. Lt. Duggan denied all of § 87(2)(b)'s scenarios and said the struggle to remove § 87(2)(b)'s hands from the bars lasted about thirty seconds. § 87(2)(g)

Allegations Not Pleaded

§ 87(2)(b) alleged that at § 87(2)(b) four uniformed male officers pushed § 87(2)(b)'s head against the wall four times. She alleged that the officers punched and kicked him in the back approximately two times. § 87(2)(g)

§ 87(2)(b) alleged that an officer also told § 87(2)(b) and § 87(2)(b) to “get the fuck off of the elevator.” She alleged that officers threw § 87(2)(b) and § 87(2)(b) against a wall in the vicinity of § 87(2)(b). She also alleged that an officer hit § 87(2)(b)'s head against the back of a police car; § 87(2)(g)

When § 87(2)(b) spoke to the IAB investigating officer, she alleged that an unidentified male was chased by an officer who tripped him and caused him to fall. § 87(2)(g)

§ 87(2)(b) alleged that an officer removed a taser but did not use it, threaten to use it, or point it at anyone. § 87(2)(g)

Allegation A: An officer spoke obscenely to § 87(2)(b) in the vicinity of § 87(2)(b)

§ 87(2)(b) in the Bronx.

Allegation C: An officer used physical force against § 87(2)(b) in the vicinity of § 87(2)(b)

§ 87(2)(b) in the Bronx.

§ 87(2)(g)

Allegation B: An officer struck § 87(2)(b) with a nightstick in the vicinity of § 87(2)(b) in the Bronx.

§ 87(2)(g)

Allegation D: Lt. Patrick Cortright spoke obscenely to § 87(2)(b) in the vicinity of § 87(2)(b) in the Bronx.

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]

Allegation E: An officer used physical force against § 87(2)(b) in the vicinity of § 87(2)(b) in the Bronx.

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation F: An officer spoke obscenely to § 87(2)(b) in the vicinity of § 87(2)(b) in the Bronx.

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Allegation G: An officer spoke obscenely to § 87(2)(b) at the 44th Precinct stationhouse.

§ 87(2)(g) [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation H: Lt. Richard Duggan used physical force against § 87(2)(b) at the 44th Precinct stationhouse.

Allegation I: PO Edward Cantaloupe used physical force against § 87(2)(b) at the 44th Precinct stationhouse.

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Investigator: Hilary Hudson Date: 8/21/09

Supervisor: Date:

Reviewed by: Date:

Reviewed by: Date: